

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OSCAR BRAMBILA and ERNESTINA
BRAMBILA-GUZMAN,

Petitioners,

v.

ALBERTO GONZALES, *et al.*,

Respondents.

CASE NO. C05-484-RSL-MAT

ORDER TRANSFERRING
PETITION FOR WRIT OF
HABEAS CORPUS TO THE
UNITED STATES COURT OF
APPEALS FOR THE NINTH
CIRCUIT AS A PETITION FOR
REVIEW

The Court, having reviewed petitioners' 28 U.S.C. § 2241 petition (Dkt. #1), all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) This Court is without jurisdiction to consider petitioners' challenge to their deportation and removal orders. Accordingly, this action is hereby TRANSFERRED to the United States Court of Appeals for the Ninth Circuit as

1 a Petition For Review pursuant to Section 106(c) of the REAL ID Act of 2005,
2 Pub. L. No. 109-13, 119 Stat. 231.

3 (3) Respondents are temporarily enjoined from removing petitioners from the United
4 States pending further order of the United States Court of Appeals for the Ninth
5 Circuit.

6 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings
7 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,
8 however, retain a copy of the Court's electronic file. The Clerk is further
9 directed to send copies of this Order to all counsel of record, and to Judge
10 Theiler.
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12 DATED this 3rd day of August, 2005.

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14 Robert S. Lasnik
15 United States District Judge
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